

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-15-241
-vs-)	
)	DECISION
ROBERT JOHN HAMMER,)	
)	
Defendant.)	

On September 20, 2016, the Defendant's suspended sentences were revoked for violation of conditions. He was sentenced to ten (10) years with seven (7) years suspended to the Department of Corrections for the offense of Count I: Criminal Endangerment, a felony, in violation of §45-5-207. For Count II: Criminal Endangerment, a felony, in violation of §45-5-207, the Defendant was sentenced to ten (10) years with seven (7) years suspended to the Department of Corrections. Sentences for Count I and II were ordered to run concurrently with each other. The Defendant received credit for one hundred sixty-one (161) days for time served. The terms and conditions of the deferred or suspended portion of the Judgment were ordered to be the same as those contained in the Judgment filed with the Court on April 12, 2016.

On February 3, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Peter Ohman of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

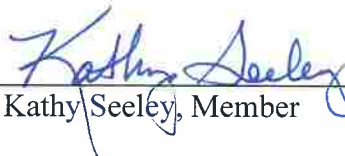
Done in open Court this 3rd day of February, 2017.

DATED this 4 day of March, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



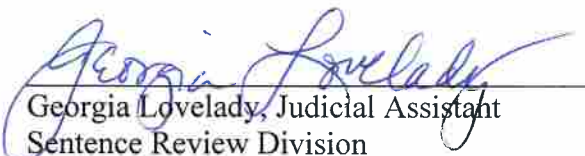
Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 9th day
of March, 2017, to:

Clerk of District Court (Original)
Robert John Hammer #3017950, Defendant (2)
Hon. Robert Deschamps
Brent Getty, Defense Counsel
Karla Painter, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division